



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,985	04/07/1999	DEAN J. BLACKKETTER	14531.82.4	6935

22913 7590 03/29/2004

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &  
SEELEY)

60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
----------	--------------

2611

23

DATE MAILED: 03/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/287,985

**Applicant(s)**

BLACKKETTER ET AL.

**Examiner**

Vivek Srivastava

**Art Unit**

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-19,23-25 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13,15-19,23,24 and 27-29 is/are rejected.
- 7) ☒ Claim(s) 14 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 9 – 13, 15, 16, 19, 24 and 27 – 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan (6,058,430) in view of Ferris et al (6,253,228).

Regarding claims 1 and 27, Kaplan discloses a system which integrates TV with the Internet which enables a user to view WWW pages on a television (see col 6 lines 21 – 37). Kaplan fails to disclose updating a webpage by method of storing, monitoring and running the executable code as claimed.

Ferris teaches a method for updating a webpage. In particular, once a webpage has been downloaded and stored in the client device, the applets of the webpage may be updated thus eliminating the need to transmit the entire updated webpage (see col 14 lines 62-67). Thus Ferris discloses “storing, in one or more receivers, an information resource identified by the first resource identifier” which is met by the webpage identifier or the URL (see col 2 lines 56 - 62, col 3 lines 1 – 5, and col 14 line 40 – 43) . Ferris further teaches monitoring a data channel for updated applets, meeting the claimed ‘script trigger’ limitation (see col 14 lines 62-67). It should be noted that the applets

Art Unit: 2611

contain scripts with executable codes (see col 6 lines 51 – 65, col 8 lines 53 – 59, col 9 lines 10-15 and table 2) which enable displaying of the applets. Ferris also inherently teaches the claimed “running the executable code of the script on the one or more receivers, upon received of the script trigger, if the second resource identifier matches the first resource identifier of the stored information resource” since the applet identified would first be matched to it respective webpage with associated URL.

It would have been obvious to one skilled in the art to modify Kaplan from the teaching of Ferris to enable updating of the webpages without having to transmit an entire updated webpage thereby providing the viewer with most up-to-date webpage.

Regarding claim 2, Ferris depicts a memory 114 coupled to a CRT display 117 (see fig 2) noting that the disclosed URL is displayed on CRT 117 via memory 114.

Regarding claim 4, Ferris discloses tags which define the context of the webpage (see col 7 lines 9 – 60), noting that receiving the script of the applet modifies the context of the webpage.

Regarding claim 5, Ferris discloses a plurality of applets on the webpage or a plurality of scripts, which include a second script (see col 6 lines 20 – 65 and col 9 lines 10 – 30).

Regarding claim 9, the combination of Kaplan and Ferris discloses the claimed limitation, as discussed above, Kaplan discloses an enhanced broadcast television system which combines a television signal with the Internet and Ferris teaches enhancing the applets of a webpage.

Art Unit: 2611

Regarding claim 10, Ferris discloses URL's which define the webpage (see col 2 lines 56-62, col 14 lines 40-43). It is noted that since the first and second resource identifiers refer to the same webpage or URL, the first and second identifiers are URL's.

Regarding claims 11, 19, 28 and 29, Kaplan discloses a system which integrates TV with the Internet which enables a user to view WWW pages on a television (see col 6 lines 21 – 37). Kaplan further discloses embedding a URL in the text channel (see col 4 lines 23-42, see col 6 lines 54 – 65). Kaplan fails to disclose embedding a script trigger where the script trigger includes a resource identifier and and a script with an executable code as claimed.

Ferris teaches a method for updating a webpage or information resource. In particular, once a webpage has been downloaded and stored in the client device, the applets of the webpage may be updated thus eliminating the need to transmit the entire updated webpage (see col 14 lines 62-67). Ferris further teaches a transmitting an applet or 'script trigger' and monitoring the data channel for updated applets (see col 14 lines 62 – 67). The applets (script trigger's), in Ferris, include URL's which meet the claimed "resource identifier", noting the that the URL's are unique to the webpage or "information resource" (see col 2 lines 56-62, col 14 lines 40-43). The applets comprise scripts with executable codes (see col 6 lines 51 – 65, col 8 lines 53 – 59, col 9 lines 10-15 and table 2) which enable displaying of the applets. The applets update the information resource or web page. Ferris inherently teaches "updating the information resource by **running the executable code** of the script at the remote receivers" since

Art Unit: 2611

the received applets and applicable codes are executed enabling addition to and display on the webpage.

Regarding claim 12, Kaplan discloses "The present invention incorporates an Internet access subsystem into a conventional television receiver" and further discloses including Internet access, control and OSD functionality can be controlled by a separate microprocessor or be incorporated into the OSD microprocessor" (see col 2 lines 6 – 17). Kaplan discloses the claimed limitation since the first group of receivers, having the separate or incorporated microprocessor into the OSD can store the information resource and the second group of receivers, which do not include the claimed separate or incorporated microprocessor will not store the information resource.

Regarding claim 13, Kaplan further discloses embedding a URL in the text channel (see col 4 lines 23-42, see col 6 lines 54 – 65).

Regarding claims 15 and 16, Kaplan discloses an NTSC video signal including a text or data-service channel (see col 4 lines 23-32, see col 6 lines 54 – 65).

Claim 24 is met by that discussed above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2611

Claims 8, 17, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Ferris.

Regarding claims 8 and 23, the combination of Kaplan and Ferris teaches displaying a video portion of the broadcast signal and displaying the information resource or URL with the video portion of the broadcast signal. However, the combination fails to disclose wherein the script trigger synchronizes the information resource with the video portion of the broadcast signal. The Examiner takes Official Notice that synchronizing video signal with an Internet signal is well known to ensure the Internet signal is displayed at the correct and most effective time with the video signal. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Kaplan and Ferris to include the claimed limitation to provide the URL displayed at correct and most effective time.

Regarding claim 17, the combination of Kaplan and Ferris fails to teach wherein the broadcast video signal is selected from a group consisting of PAL, SECAM, HDTV, DVB or ATSC.

The Examiner takes Official Notice a HDTV signal would provide a user with a higher resolution higher quality signal. Therefore, it would have been obvious to one having routine skill in the art at the time the invention was made to modify the combination of Kaplan and Ferris to include the claimed HDTV signal to provide a user with a higher resolution better quality signal.

Regarding claim 18, the combination of Kaplan and Ferris fails to disclose the claimed generating a checksum for the resource identifier and the script and inserting the checksum into the script trigger. Official Notice is taken that the use of checksums detects and prevents errors in the transmitted signal. Therefore, it would have been obvious to modify the combination of Kaplan and Ferris to include the claimed checksum to detect and prevent errors.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Ferris, as applied to claim 1 above, and further in view of DuFresne (5,835,712).

As to claims 6 and 7, the combination of Kaplan and Ferris fails to disclose the claimed wherein the script is a fragment of second script resident on the information resource and the claimed wherein the script fragment comprises a command to the second script.

Dufresne teaches scripts enable setting URL defaults by determining the next webpage to be displayed and scripts can also expand tags, which in turn can invoke scripts. It would have been obvious to modify the combination of Kaplan and Ferris based on the teaching of DuFresne to include the claimed wherein the script fragment of second script resident on the information resource and the claimed wherein the script fragment comprises a command to the second script to enable quick switching and invoking of other scripts.



***Allowable Subject Matter***

Claims 14 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Greer et al (5,978,828) – URL bookmark update notification

Freivald et al (6,012,087) – Change detection of web pages

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the

Art Unit: 2611

examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038.


The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

3/19/04



VIVEK SRIVASTAVA  
PRIMARY EXAMINER